

CEDERBERG MUNICIPALITY

OVERTIME POLICY

1. DEFINITIONS

- 1.1 **Overtime** means the time that the employee works during a day or week in excess of the employee's ordinary hours of work.
- 1.2 **Emergency overtime:** means work that must be done without delay because of circumstances for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. It is however the prerogative of the Employer to decide if any overtime not included in this definition qualifies as emergency overtime.
- 1.2 **Structured overtime:** is defined as programmed/planned overtime which the employer has control over and includes committee and official meetings of which minutes are to be kept, that continues or is scheduled after normal working hours. It includes the performance of routine maintenance work outside normal working hours.
- 1.3 All employees performing a duty as defined as an Essential Services, such services are:
 - 1.3.1 Traffic Services
 - 1.3.2 Water Supply
 - 1.3.3 Electricity Supply
 - 1.3.4 Sanitation
 - 1.3.5 Water treatment
 - 1.3.6 Waste water treatment
 - 1.3.7 Refuse removal
- 1.4 **Earnings:** refer to the retirement funding income or the basic salary for the post, whichever is applicable.
- 1.5 **Threshold earning:** as determined by the Basic Conditions of Employment Act (BCE Act 75 of 1997) from time to time.

2 OVERTIME

Preamble: The working of overtime is subject to very strict control measures and therefore only staff in a managerial capacity who have been given written permission by his/her Director shall be entitled to approve the performance of any overtime by subordinates. This authorization shall be withdrawn in any suspected case of irregular or misuse thereof, without having to be given reasons for such withdrawal. A monthly report on all overtime worked plus expenditure involved, shall be drafted by the Chief Financial Officer and must

be tabled to the first monthly meeting of Management for scrutiny and corrective measures to be taken.

3. **EMERGENCY OVERTIME**

- 3.1 Payment: All employees performing work on a basis of emergency overtime shall be remunerated, irrespective of his/her remuneration package.
- 3.2 An employee may for emergency reasons, be required to work overtime and any employee appointed into the services must accept it as part of his/her contract to this effect with Council.
- 3.3 An employee may be required or allowed to work overtime for emergency purposes with the explicit approval of his/ her appointed Manager. The Manager shall however record such approval without delay, and not later than the following working day. Proper records of the call out -and completion time of the job must be recorded in a log sheet. Written standing approval may however be granted by the relevant Director where justified by operational requirements.
- 3.4 All hours exceeding 10 hours emergency overtime worked **per week**, shall be recommended by the relevant Director, and if supported by the Manager: Human Resources referred for approval by the Municipal Manager or his/her delegated authority. This approval shall be confirmed in writing.
- 3.5 Only Directors, **or their delegated authority** may approve overtime payment for his/her Directorate.
- 3.6 No overtime can be claimed should an employee work short time on a specific day.
- 3.7 Disconnections/ reconnections of services which might necessitate the working of emergency overtime shall be authorized in writing by the responsible official in the relevant Department.
- 3.8 When a call out is received during the night; the most senior employee on standby must perform an assessment of the time and equipment necessary to perform overtime work. If the senior is of the opinion that the work will take longer than 3 hours to complete, such work must be postponed to the next day, and he must inform the manager/call centre without delay.

Any plans that must be put in place to mitigate inconvenience of the community members in the particular area, must be put in place by the senior employee in consultation with his/her manager.

4 STRUCTURED OVERTIME

- 4.1 An employee may be required to work structured overtime and all employees appointed into the service must accept it as part of their contract of employment to this effect with Council

4.2 Payment

Payment for overtime must be approved in writing, by the relevant Director or his/her delegated authority, for their specific directorate.

- 4.2.1 Employees earning **more** than the overtime earnings threshold, provided for in the Basic Conditions of Employment Act, **excluding the Municipal Manager and Managers directly accountable to the Municipal Manager approved in terms of Section 54A and Section 56 of the Municipal Systems Act**, shall be given time off (in terms of the BCE Act) in lieu of structured overtime worked, subject to the further provision of this policy.

The Director or Manager and the employee involved shall come to a prior agreement on the time off arrangements. **This clause is not applicable to employees who form part of an Essential Service.**

- 4.2.2 Employees earnings **less** than the overtime earnings threshold provided for in the Basic Conditions of Employment Act, shall, subject to the further provisions of this policy, be remunerated on the prescribed basis for structured overtime worked **or** be given time off in lieu of overtime worked **subject to the prior agreement by the Employee**. The relevant Director or Manager and the employee shall come to a prior agreement on the payment for overtime or the time-off arrangements.
- 4.3 No structured overtime can be claimed should an employee work short time on a specific day **unless such overtime is approved by the relevant Director**.
- 4.6 An employee may not be required or allowed to work for a longer period overtime than 10 hours during any working week and 3 hours on any working day unless explicitly approved by the Municipal Manager or his/her delegated authority.

5. ESSENTIAL SERVICES

- 5.1 All employees performing overtime duties as defined as Essential Services, (clause 1.4) shall be remunerated at the prescribed rates, irrespective of his/her remuneration package.
- 5.2 Only Directors or his / her delegated authority may approve overtime payment for essential services for his/her Directorate.

- 5.3 Overtime only commences after completion of ordinary daily or weekly working hours.
- 5.4 No overtime can be claimed should an employee work short time on a specific day.
- 5.5 Overtime can be claimed for actual hours worked and include traveling time for standby staff. Overtime for these groups start from the time of call out.
- 5.6 An employee may not be required or allowed to work for a longer period overtime than 10 hours during any working week and 3 hours on any working day, as stipulated in Section 6(2) of the BCE Act, except in case of work related to Essential Services, unless explicitly approved by the Municipal Manager.

6. TIME OFF IN-LIEU OF OVERTIME

- 6.1 Leave / time off in lieu of overtime shall be granted only for structured and approved overtime, subject to paragraph **3.1 & 3.2**
- 6.2 Application for leave/time off in lieu of overtime shall be done on the ESS system.
- 6.3 Leave/time off in lieu of overtime cannot be encashed.
- 6.4 Leave in lieu of overtime will lapse if not taken within six months of working.

7. OVERTIME WORK ON PUBLIC HOLIDAYS

- 7.1 Payment or time-off to eligible employees for overtime work on public holidays will be dealt with in terms of the Basic Conditions of Employment Act.

8. OVERTIME WORK ON SUNDAYS

- 8.1 Payment or time off to eligible employees for overtime work on a Sunday will be dealt with in terms of the Basic Conditions of Employment Act.

9. ADMINISTRATIVE MEASURES FOR MUNICIPAL MANAGER AND DIRECTORS MANAGING AND CONTROL OF OVERTIME

- 9.1 Each Director is responsible and accountable to constantly monitor and review the provisions for overtime on his/her budget and to ensure that trends are noted early; funds are adequate; over expenditure is noted, justified and provided for timorously.
- 9.2 Each Director is responsible and accountable to provide the pay office with a list of officials or representatives (name, signature, cost center) who

are authorized in terms of the delegated powers to recommend the payment for overtime worked. It is the responsibility of each Director (or nominee) to update and maintain the information in the list. The Director must determine whether the information on the overtime form is accurate and correct before they authorise the form for payment.

- 9.3 The Pay Office or any other body or person authorizing overtime payment is responsible to ensure that all payments for overtime are duly authorized by the relevant Director **or his/ her delegated authority**. The Pay Office is specifically responsible to compare the overtime forms' signatures with the authorisation list provided.
- 9.4 Attendance registers, which should indicate starting and ending times, must be kept for all employees who qualify for overtime payment or time off in terms of this policy. Attendance registers serve as source documents to complete overtime sheets and shall correspond with the log sheets of.
- 9.5 Overtime worked must be reflected on the employee's attendance register/time sheet. Line managers and/or supervisors are responsible to monitor and sign attendance register/time sheets on a monthly basis.
- 9.6 No overtime will be paid or time-off granted for attendance of functions / prize giving, etc, by personal invitation except in cases of compulsory attendance as an official representative of Council provided that such employee qualifies for time- off in lieu of overtime and provided further that such overtime is authorised in advance by the relevant Director **or his / her delegated authority**.
- 9.7 An employee performing in an acting capacity in a higher position and receiving an acting allowance will be remunerated overtime for emergency work **on the post level of the position in which the employee is acting**.
- 9.8 If any provision in this is policy is in contradiction with the Basic Conditions of Employment Act (BCE Act 75 of 1997) or the Labour Relations Act, then the provisions of the Act will receive preference.

Date Approved by Council:

Implementation Date: